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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,108	06/26/2003	Neal A. Downey	47320.0132	1107
25928	7590	06/09/2005	EXAMINER	
CHRISTOPHER J. KULISH, ESQ HOLLAND & HART LLP P. O. BOX 8749 DENVER, CO 80201-8749			CHEN, TIANJIE	
		ART UNIT	PAPER NUMBER	2652

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/604,108	DOWNEY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tianjie Chen	2652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03/07/2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## ***Final Rejection***

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dimitri (US 5,818,723) in view of VanFleet (US 5,440,637) and Gallo et al (US 2003/0021058).

Claim 1: Dimitri shows a data cartridge library in Figs 1-5 including: a frame 120 (Fig. 1); a shelf system 22 (Column 3, lines 51-52), operatively attached to the frame, for supporting at least two data cartridge magazines 30 (Fig. 2; column 3, lines 62) and including at least one shelf, drive means 56 (Fig. 3; column 4, lines 18-19) that is operatively attached to the frame, which is inherently capable of receiving from a data cartridge transport device a data cartridge that contains a recording medium and capable during operation of transferring data between a recording medium located within a data cartridge and an environment that is exterior to said drive means; a magazine transport device 70 (Column 4, lines 48-50), operatively attached to the frame, for moving a data cartridge magazine, a cartridge transport device 54 (Column 4, lines 51-54), operatively attached to the frame, for moving a data cartridge between a data cartridge magazine and the drive means.

Dimitri does not show a power supply, operatively attached to the frame, for receiving AC power from an external environment and producing DC power in a form suitable for use by the drive means.

VanFleet shows a data cartridge library including a power supply 58 (Fig. 2; column 3, line 55), operatively attached to the frame, for receiving AC power from an external environment and producing DC power in a form suitable for use by the drive means 54 (Fig. 2; column 3, line 54), and a conductor 60, operatively attached to the frame, for conveying DC power from the power supply to the drive means (Column 1, lines 49-58 and column 3, lines 53-65).

It would have been obvious at the time the invention was made to one of ordinary skill in the art to apply the power supply taught by VanFleet into Dimitri's device. The rationale is as follows: a power supply is a must unit in a library. Dimitri does not show a power supply. VanFleet shows a power supply, which is commonly used in the art. One of ordinary skill in the art would have been motivated to apply the power supply taught by VanFleet into Dimitri's device for supplying power.

Dimitri does not specifically show that a conductor has a first flat external surface and a second flat external surface that is substantially parallel to the first flat external surface.

Gallo et al shows a disc drive, wherein a conductor 65 has a first flat external surface and a second flat external surface that is substantially parallel to the first flat external surface, which is used for operatively attached to the frame, for conveying DC power from the power supply to the drive (Figs. 2-8; [0038]).

Claim 2: Dimitri does not show a cabinet.

Gallo et al shows a data cartridge library including a cabinet having a first side (top side), second side (left side), third side (bottom side) and fourth side (right side); wherein the first side is substantially parallel to the second side; wherein the third side is substantially parallel to the fourth side; and wherein the first side is substantially perpendicular to the third side.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to apply the cabinet and the conductor taught by Gallo et al into Dimitri's device. The rationale is as follows: a cabinet is commonly used in the art Dimitri omitted the cabinet. Gallo et al teaches that the conductor can be used to supply power to the drive as well as transfer data ([0038]). One of ordinary skill in the art would have been motivated to apply the cabinet and conductor taught by Gallo et al into Dimitri's device for supplying power and transferring data.

Claim 3: in the above constructed device, the conductor is located so that the first flat external face is substantially parallel to one of the first side and third side.

Claims 2, and 4: in the above described device, one can define a first side (left side), second side (top side), third side (right side) and fourth side (bottom side); then wherein the first side is substantially parallel to the second side; wherein the third side is substantially parallel to the fourth side; and wherein the first side is substantially perpendicular to the third side and the conductor is located so that the first flat external face is substantially perpendicular to the first side.

Claim 5: in the above constructed device, the drive means includes a drive housing 60 ([0024]) with a substantially flat outer (top) surface; and the conductor is located so that the first flat external face of the conductor is substantially parallel to the substantially flat outer surface of the drive housing (Figs. 2-10).

Claim 6: A data cartridge library, as claimed in claim 5, Gallo et al shows that the substantially flat outer surface of the drive housing 60 (Fig. 2) is a horizontally extending surface.

Claim 7: VanFleet shows a cable 60 (Fig. 2; column 3, line 60) is vertically extending. As the cable is replaced by the cable taught by Gallo et al as described above, the substantially flat outer surface of the drive housing is a vertically extending surface.

Claim 8: Dimitri further shows that the magazine transport device 110 (Fig. 5) includes a portion (the shaft of motor 98; Fig. 4, column 5, lines 21-27) that, during operation, rotates about an axis.

Claims 9 and 10: In the above constructed Dimitri and Gallo et al's device, the conductor is located so that the first flat external face lies in/or substantially parallel to a radial plane of the shaft on 98 that includes the axis depending on the vertical position of the assembly 70 (Figs 1 and 4).

Claim 11: In the above constructed Dimitri and Gallo et al's device, the conductor is located so that the first flat external face lies in a plane that is substantially perpendicular to a tangent of a circular arc having the axis as a center as the tangent is taken at the leftmost point on shaft of the motor 98.

Claim 12: Dimitri shows that the magazine transport device includes a portion 70 that, during operation, moves in two orthogonal and rectilinear directions X and Z that define a plane.

Claim 13: Dimitri further shows that the conductor is located so that the first

- flat external face is substantially parallel to the plane.

Claims 12 and 14: Dimitri shows that the magazine transport device includes a portion 70 that, during operation, moves in two orthogonal and rectilinear directions X and Y that define a plane; and the conductor is located so that the first flat external face is substantially perpendicular to the plane.

Claim 15: Dimitri shows in Fig. 3 that the conductor including a plurality of laminated electrical conductors.

Claim 16: Dimitri shows a tap 65' (Fig. 5) that is electrically connected to the conductor and located between the conductor and the drive means.

Claim 17: Dimitri further shows a plug including a first plug portion 68 (Fig. 3) and a second plug portion 49 (Figs. 1-3) that mates with the first plug portion; wherein the first plug portion is electrically connected to the conductor, and wherein the second plug portion is electrically connected to the drive means.

Claim 18: Dimitri does not show that the drive means includes a drive bay for housing at least two drives.

Claim 19: Dimitri shows that the drive means includes a plurality of drives on the left and right sides, but does not show that they are situated in a vertical column.

Gallo et al shows a library, wherein the data storage potable data storage cartridge with data storage device in each data storage cartridge is stored in the library.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to replace the data cartridge with the potable data storage cartridge taught by Gallo et al. The rationale is as follows: Gallo et al teaches that using his portable data storage cartridge would reduce time to access desired data ([0008]). One of ordinary skill in the art would have been motivated to replace the data

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cartridge in Dimitri's device with the portable data storage cartridge taught by Gallo et al thus reducing the accessing time. In thus constructed device, that the drive means includes a drive bay for housing at least two drives, and the drive means includes a plurality of drives that are situated in a vertical column.

Claim 20: in the above constructed device, the VanFleet's power supply includes a substantially horizontal top surface and wherein at least a portion of the conductor is located above the horizontal top surface and with at least a portion of the first flat external face substantially parallel to the horizontal top surface.

***Response to Arguments***

2. Applicant's arguments filed 03/07/2005 have been fully considered but they are not persuasive.

- Applicant added the feature: the drive means is "capable of receiving from a data cartridge transport device a data cartridge that contains a recording medium- and capable during operation of transferring data between a recording medium located within a data cartridge and an environment that is exterior to said drive means."

It is well known in the art that drive means is inherently "capable of receiving from a data cartridge transport device a data cartridge that contains a recording medium- and capable during operation of transferring data between a recording medium located within a data cartridge and an environment that is exterior to said drive means."

- Applicant argues: "The '058 reference does teach or suggest a conductor for conveying DC power from a power supply to a drive means."

It is notorious that power and signal are always conveyed by a conductor.

***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TIANJIE CHEN  
PRIMARY EXAMINER